

### REMARKS

In the Office Action mailed June 13, 2005, claims 13, 21, 24-26, 31-45 are rejected under 35 USC §102(b) as being anticipated by Krishna et al. (US Patent 6,094,439, "Krishna"). Claims 1-12, 14-20, 27 and 28 are rejected under 35 USC §103(a) as being unpatentable over Krishna in view of Matsuura. Finally, claims 22, 23, 29 and 30 are rejected under 35 USC §103(a) as being unpatentable over Krishna in view of Bender et al. (EP-0676697, "Bender").

#### Comment to Claim 1

Applicants wish to bring to the Examiners attention that in claim 1, the phrase: "in a link layer implemented in programmable logic of an integrated circuit" was added in claim 1 in the previous response mailed by Applicants on February 25, 2005, but was inadvertently not shown in underlining.

#### Allowability of the Claims

In the Office Action, it is suggested that Krishna discloses a programmable logic device because claims are given their broadest reasonable interpretation consistent with the specification. While that may be true, the claims must also be given their broadest reasonable interpretation "in light of the specification as it would be interpreted by one of ordinary skill in the art." In re Am. Acad. of Sci. Tech. Ctr., 367 F.3d 1359, 1364 (Fed. Cir. 2004). In support of the statement that Krishna discloses a programmable logic device, a term of a claim (comprising words which together have a certain meaning) is parsed in the Office Action to show that a function of one word of the term is disclosed. It is then suggested that if the prior art reference discloses the function of one of the words of the term, then the entire term is disclosed.

In particular, configuration control 40 of Krishna is cited for showing that the device is "configured" or "programmable," and is therefore a programmable logic device. It is first suggested that "the physical m-MII interface (physical layer) is configured to divide the received packet data from the Gigabit MAC core 18 (link layer) into a group of separate data segments based on configuration control settings set by a user (programmable) in a configuration control portion 40." (Office Action, pg. 3). It

is also suggested that Krishna teaches that “the configuration control 40 may be implemented as embedded microcode if the physical m-MII interface 38 is implemented as an integrated portion of a monolithic integrated circuit,” and therefore that the integrated circuit of Krishna is programmable logic device programmed by the embedded microcode. (Office Action, pg. 3). However, that a portion of a circuit may be configured or programmed in a certain way does not mean that the circuit is implemented in “programmable logic” or that the device is a “programmable logic device” as would be interpreted by one of ordinary skill in the art.

More importantly, the elements of Krishna cited in the Office Action for disclosing “programmable logic” do not correspond to elements of the claim which are implemented in programmable logic. That is, each independent claim recites “a link layer implemented in programmable logic.” However, the element of Krishna relied upon in the Office Action for disclosing programmable logic is outside of the link layer. In particular, it is suggested that the physical interface m-MII, which is outside of the link layer, is configured based on configuration control settings in configuration control 40, which is also outside of the link layer. In contrast, Applicants claim, in each independent claim, a link layer implemented in programmable logic, and particularly a link layer implemented in programmable logic in a device or system where the physical layer (or CRC generator) is implemented in application-specific logic or hard logic. Accordingly, Applicants respectfully submit that the claims as pending clearly distinguish over the cited references and request reconsideration of the rejections.

### CONCLUSION

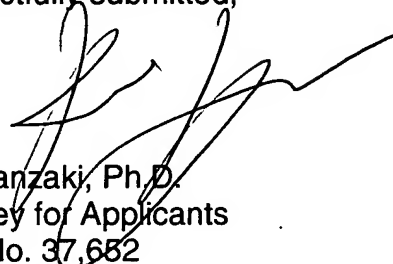
All claims should be now be in condition for allowance and a Notice of Allowance is respectfully requested.

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If there are any questions, the applicants' attorney can be reached at Tel: 408-879-6149 (Pacific Standard Time).

Respectfully submitted,



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*I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on August 15, 2005.*

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